



W.P(MD)No.16878 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.16878 of 2023

and

W.M.P(MD)Nos.14124 & 18663 of 2023

1.Tamil Nadu Water Supply and Drainage Board,
Through its Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk, Chennai.

2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Presently at Thoothukudi,
Kovilpatti.

3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
2/2A, SSS Road,
Virudhunagar.

... Petitioners

Vs

1.P.Jeya Anthony
2.P.Juliot Albi
3.P.Amalirani
4.P.Vincyehilrasy



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WEB COPY 5.P.Roseling Mary

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 25.04.2023, made in C.P.No.15 of 2014 on the file of the Labour Court, Madurai, and quash the same.

For Petitioners : Mr.B.Vijay Karthikeyan

For Respondents : Mr.V.O.S.Kalaiselvam (R1 to R3)

ORDER

This Writ Petition has been filed challenging the order dated 25.04.2023 passed in C.P.No.15 of 2014 on the file of the Labour Court, Madurai, and seeking to quash the same.

2.Learned counsel appearing for the petitioner, Tamil Nadu Water Supply and Drainage Board (TWAD Board), submitted that the deceased workman, Pushparaj, was initially engaged as a Nominal Muster Roll (NMR) employee and was subsequently terminated from service. Aggrieved by the order of termination, he initiated conciliation proceedings



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before the Joint Commissioner of Labour, Madurai, in the year 1996. Since the conciliation proceedings ended in failure, he raised an industrial dispute in I.D. No.94 of 1997 before the Labour Court, Madurai.

3.The Labour Court, by its award dated 09.04.2007, directed reinstatement of the workman with continuity of service. However, it specifically declined to grant back wages and other attendant monetary benefits. Challenging the said award, the petitioner Board filed W.P.(MD) No.6248 of 2007 before this Court. The said Writ Petition came to be dismissed on 14.09.2011, whereupon the petitioner Board implemented the award by proceedings dated 29.11.2011, regularising the services of the deceased workman in the post of Watchman in the time scale of pay with Grade Pay. His pay was notionally fixed with effect from 12.11.1986, being the date on which he had completed 480 days of continuous service within two calendar years, and he was held entitled to monetary benefits only from the date of his reinstatement, namely, 29.11.2011.



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4. Thereafter, the deceased workman filed C.P.No.15 of 2014 under Section 33(C)(2) of the Industrial Disputes Act, 1947, claiming a sum of Rs.6,25,943/- towards wages for the period from 09.04.2007 to 29.11.2011. During the pendency of the computation proceedings, he attained the age of superannuation on 30.04.2020 and subsequently passed away on 24.08.2020. Thereafter, respondents 1 to 5, being his legal heirs, were brought on record. It is further submitted that the legal heirs are receiving family pension, which has been sanctioned with effect from 27.08.2020.

5. By the impugned order dated 25.04.2023, the Labour Court allowed the computation petition and directed the petitioner Board to pay a sum of Rs.6,08,179/- towards difference in wages to the respondents within a period of six months, failing which the amount would carry interest at the rate of 6% per annum. Aggrieved by the said order, the present Writ Petition has been filed.



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6.Learned counsel for the petitioner further submitted that the jurisdiction under Section 33(C)(2) of the Industrial Disputes Act is in the nature of an execution proceeding and can be invoked only for computation of a pre-existing or accrued right. It is contended that, in the present case, no such accrued right existed in favour of the deceased workman. The award passed by the Labour Court in I.D.No.94 of 1997 had expressly denied back wages and other monetary benefits while granting reinstatement with continuity of service. The said award was affirmed by this Court in W.P(MD)No.6248 of 2007 by order dated 14.09.2011. Neither the Labour Court nor this Court directed payment of wages for the period from the date of the award till the date of reinstatement. In the absence of any adjudicated or pre-existing right, the claim for back wages could not have been entertained in a proceeding under Section 33(C)(2) of the Industrial Disputes Act. It is therefore submitted that the Labour Court travelled beyond its jurisdiction in granting the relief, and the impugned order is liable to be set aside.

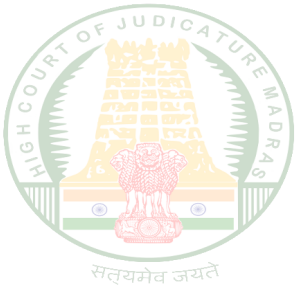


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7.Per contra, learned counsel appearing for respondents 1 to 3 submitted that the award directing reinstatement was passed on 09.04.2007, but the petitioner Board implemented the same only on 29.11.2011, after dismissal of the Writ Petition filed by it. It is contended that, during the interregnum period, no order of stay had been granted by this Court restraining implementation of the award. Therefore, the failure of the petitioner Board to reinstate the deceased workman immediately after the award cannot be attributed to the workman. In such circumstances, the Labour Court rightly held that the workman was entitled to wages for the period from 09.04.2007 till 29.11.2011 and correctly computed the amount payable under Section 33(C)(2) of the Industrial Disputes Act. Accordingly, learned counsel prayed for dismissal of the Writ Petition.

8.This Court has carefully considered the rival submissions and perused the materials available on record.

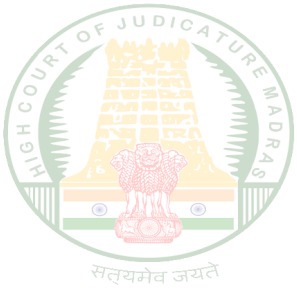


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9.It is well settled that the proceedings under Section 33(C)(2) of the Industrial Disputes Act are in the nature of execution proceedings. The Labour Court exercising jurisdiction under the said provision cannot adjudicate the very entitlement of a workman. Its jurisdiction is confined to computation of monetary benefits flowing from an existing, adjudicated or otherwise undisputed right.

10.In the present case, the award passed by the Labour Court in I.D.No.94 of 1997 directed reinstatement with continuity of service but specifically declined the relief of back wages and other monetary benefits. The said award was challenged before this Court in W.P.(MD) No.6248 of 2007, which also came to be dismissed. Significantly, neither the Labour Court nor this Court conferred any right upon the workman to claim wages for the period from the date of the award till the date of reinstatement. Therefore, no pre-existing or accrued right existed in favour of the deceased workman to claim such wages.



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11.In the absence of any adjudication granting back wages, the Labour Court could not have, in a proceeding under Section 33(C)(2), created a substantive right and awarded wages for the period from 09.04.2007 to 29.11.2011. Such an exercise clearly travels beyond the limited jurisdiction conferred under Section 33(C)(2) of the Industrial Disputes Act. The impugned order is therefore without jurisdiction and cannot be sustained.

12.Accordingly, the order dated 25.04.2023 passed by the Labour Court, Madurai, in C.P. No.15 of 2014 is set aside. Consequently, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
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To

The Labour Court,
Madurai.



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M.DHANDAPANI, J.

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